



Title VI Tool Kit

Tools for Federally assisted airports to ensure
non-discrimination in airport benefits and
services

Ace your next compliance review
& resolve complaints

Tool Kit Updates

[illegible]

Table of Contents

<i>Welcome</i>	5
<i>General Requirements</i>	6
<i>Grant Assurances</i>	8
<i>Transportation</i>	10
<i>Minority Business</i>	11
<i>Complaints</i>	12
<i>Tips for Airports During an Investigation</i>	13
<i>FAA Title VI Complaint Process</i>	14
<i>Nondiscrimination Notice Requirements</i>	16
<i>Nondiscrimination Poster</i>	17
<i>Public Participation Requirements</i>	18
<i>Reports, Data, and Records</i>	20
<i>Title VI Pre-Award Sponsor Checklist</i>	22
<i>Limited English Proficiency</i>	23
<i>Language Assistance Plan Framework</i>	24
<i>Assessment of Meaningful Services</i>	26
<i>Employee Training and Program Monitoring</i>	27
<i>Answers to Questions You Were Afraid to Ask</i>	28
<i>Appendix 1: Civil Rights Grant Assurance</i>	31
<i>Appendix 2: Standard DOT Title VI Assurances</i>	32
<i>Appendix 3: Civil Rights Provision for Contracts, Leases, and Other Agreements</i>	37
<i>Appendix 4: EO 13166, Improving Access to Services for Persons with LEP</i>	39
<i>Sample Title VI Program</i>	41

Note: This document quotes directly from the appropriate law or regulation. Therefore, in some instances the citations include gender specific references



Welcome

This tool kit has been specially designed for you, Airport Managers, and your staffs to educate and assist you in operating an airport that is free of discrimination, meets the federal non-discrimination requirements of your grants, and decreases the potential for a discrimination complaint and FAA investigation. You should be aware that all entities receiving **ANY AMOUNT** of Federal financial assistance from FAA are required to abide by Title VI of the Civil Rights Act of 1964 (Title VI).

The kit is designed to provide guidance to you on the most common Title VI issues encountered by airports. You should be prepared to handle these considerations. This kit discusses Title VI only. It does not address the Disadvantaged Business Enterprise Program, the Rehabilitation Act, or employment discrimination handled by Equal Employment Opportunity Commission and Department of Labor.

As you use the kit, please inform us of any suggestions or comments you have to improve the kit. We will provide periodic updates with your suggested improvements. You may reach us at (425) 227-2009 or visit our Internet website at <http://www.nw.faa.gov/civilrights/home.htm>



General Requirements

Governing Regulations

49 CFR § 21.5(b)(7) requires that recipients take affirmative action to assure that no person is excluded from participation or denied benefits of the program based on race, color, or national origin.

49 CFR § 21.9(b) states that recipients should make available racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.

49 CFR § 21.9(c) requires recipients to permit access by FAA to books, records, accounts, other information and its facilities as necessary to determine compliance.

49 CFR § 21 Appendix C(b)(2)(i) requires recipients to make a copy of 49 CFR 21 available at the airport operator's office during normal working hours for inspection by any person asking for it.

49 CFR Part 21 Appendix C(b)(3) requires that recipients forward a copy of all written complaints of discrimination based on race, color or national origin to FAA within 15 days of receipt along with a statement describing all actions taken to resolve the matter and the results thereof.



General Requirements

These regulations can be implemented in various ways depending upon what works best in your organization. Some airports may find it most efficient to name a Title VI Coordinator who is responsible for the coordination of responses to the FAA in compliance reviews, investigations and complaint processing. Since Title VI issues can involve all functions of a recipient, it is suggested the Title VI coordinator be knowledgeable of each function and who to contact to gather the information.

In the sample plan you will find an example of using a Title VI Coordinator and program liaisons.

A copy of 49 CFR 21 is available at
<http://www.nw.faa.gov/civilrights/vi.htm>.



Grant Assurances

There are several non-discrimination assurances that are required as part of Federal financial assistance.

Laws, Regulations and Advisory Circulars

1. **Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.)** states that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”
2. **49 CFR Part 21.7** the Department of Transportation’s effectuation of Title VI outlines the required Title VI assurances.
3. **Section 520 of the Airport and Airway Improvement Act of 1982, (49 U.S.C. § 47123)** added sex and creed to the list of prohibited bases of discrimination with regard to nondiscrimination in the FAA’s grant program.
4. **Advisory Circular 150/5100-15A** provides information and guidance on nondiscrimination in benefits and services to the public; employment in Federally assisted construction contracts; airport employment opportunities; and benefits, services, employment and accessibility for people with disabilities.



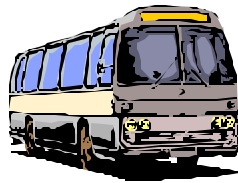
Grant Assurances

To meet these requirements, all construction and planning grant applications contain the general Civil Rights Assurance. For your reference, a copy of this assurance is found in Appendix 1¹ of this document.

Initial grant applications to purchase land or for an airport or noise implementation project involving construction contain the complete standard DOT Title VI Assurances including the required clauses for contracts, leases, property acquisition and covenants for contractors, tenants, concessionaires and lessees. For your reference a copy of these are found in Appendix 2¹ of this document.

Current copies of the grant applications with all required assurances, clauses and covenants can be found at <http://www.nw.faa.gov/airports/inetform.htm> under “Applications” or by contacting your FAA Airports District Office.

¹ The assurances provided in this kit are for information only. All grant applications must contain the most current assurances provided at the noted Internet site or from your Airport’s District Office.



Transportation

Governing Regulation

49 CFR Part 21 Appendix C(a)(1)(ix): “the sponsor shall coordinate his airport plan with his local transit authority and Urban Mass Transportation Administration to assure public transportation, convenient to the disadvantaged areas of nearby communities to enhance employment opportunities for the disadvantaged and minority population.”

This regulation requires the airport to coordinate transportation service with the transit authority to ensure disadvantaged areas have available transportation to the airport. It is the transit authority’s requirement to provide such service. This regulation does not require the airport to pay transportation fares for any individual needing transportation to the airport.

In order to coordinate this effort, the recipient must first know the disadvantaged areas of nearby communities. This requires a review of your community through various data sources (e.g., census, local organizations, etc). Please see the sample plan for an example.



Minority Business

Governing Regulation

49 CFR Part 21 Appendix C(a)(1)(x): “The sponsor shall assure that the minority business community in his area is advised of the opportunities offered by airport concessions, and that bids are solicited from such qualified minority firms, and awards made without regard to race, color, or national origin.”

Note: This regulation is in addition to the Disadvantaged Business Enterprise Program in 49 CFR Part 23. The notification and award requirements of 49 CFR Part 21 are required of ANY recipient of funding.

In the event of a complaint or compliance review, recipients may be asked for information pertaining to the solicitation and award process. A complaint investigator may ask the recipient to provide a non-discriminatory basis for the award and for documentation of the award process. We recommend that the recipient use minority publications to advertise concession opportunities.



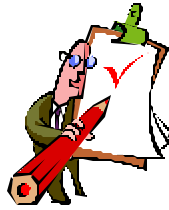
Complaints

Governing Regulation

49 CFR Part 21 Appendix C (b)(3) “Each airport owner subject to this part shall, within 15 days after he receives it, forward to the [FAA Regional Office] in which the airport is located a copy of each written complaint charging discrimination because of race, color, or national origin together with a statement describing all actions taken to resolve the matter and the results thereof. Each airport operator shall submit to the [FAA Regional Office] in which the airport is located a report for the preceding year on the date and in a form prescribed by the Federal Aviation Administrator.”

This regulation requires that airports take steps to attempt resolution of complaints. We highly recommend that immediately upon receipt, the airport begin an internal investigation to attempt prompt resolution of the complaint. Our office is available to assist you and guide you through this process.

The sample plan has an example of an airport complaint procedure. Using such a procedure will greatly reduce the potential of later having to revisit the complaint when and if it is investigated by the FAA. For your information, tips for airports and a general description of the FAA complaint procedure are described on the following pages.



Tips for Airports during an Investigation

1. Take the complaint seriously. Notify the Airport Director of the complaint.
2. Convey to the complainant (preferably by the Airport Director) that the complaint is being taken seriously and the desire to achieve resolution if warranted.
3. Notify the accused party (preferably by the Airport Director) that the complaint is being investigated, that it is being taken seriously, that their cooperation is expected, and that judgment will be withheld until a determination is made.
4. Assign one person, usually your Title VI Coordinator, to investigate the complaint for the airport and to be a liaison with the FAA.
5. If the FAA begins an investigation, respond to the FAA investigator's inquiries within 30 days. If gathering the information will take longer, notify the investigator immediately. Identify the items that will take longer and provide a completion date.



FAA Title VI Complaint Process

Complaint Received by Airport:

Airports are required under 49 CFR Part 21 to forward a copy of any written complaint based on race, color or national origin to the Federal Aviation Administration (FAA) along with a statement describing all actions taken to resolve the matter, and the results thereof. The FAA may advise the airport during their attempts at resolution.

The airport must notify the complainant of the right to file a complaint directly to the FAA.

Complaint Made Directly to FAA:

Any person who believes that he or she, individually or as a member of any specific class of persons was discriminated against based on race, color, national origin, sex, creed, or disability in public services or employment opportunities may file a written complaint to the FAA, Office of Civil Rights, 800 Independence Ave. SW, Washington, D.C., 20591.

The complaint must be filed no later than 180 days after the date of the alleged discriminatory act or if the discrimination is ongoing, the date the conduct was disclosed.

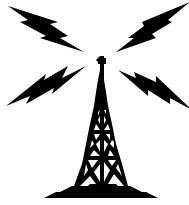


FAA Title VI Complaint Process

The FAA, Office of Civil Rights and Regional Civil Rights Staff, in conjunction with the Department of Transportation Office of Civil Rights, will conduct the following activities:

1. Review information on file concerning AIP funding, past compliance reviews, most recent Title VI assessment, and the status of assurances made by the airport.
2. Determine jurisdiction and investigative merit of the complaint. This is based on the status of AIP funding, timeliness of the complaint, assessment of whether allegations are covered by 49 CFR 21, etc.
3. Develop an investigative plan including information requests, interviews and site visits as necessary.
4. Investigate the complaint and write investigative report.
5. Notify parties of the decision.
6. Take appropriate action to remedy any determination of discrimination.

Investigations last a minimum of 90 days, and vary depending on the complexity of the issue. The investigator attempts an informal resolution during the process.



Nondiscrimination Notice Requirements

Governing Regulations

49 CFR Part 21 requires recipients to have a copy of 49 CFR Part 21 available to the public during normal working hours and to provide information to the public regarding this part as it relates to the program receiving financial assistance.

49 CFR Part 21 Appendix C(b)(2)(ii) and 28 CFR 42.405(c) require recipients to conspicuously display a sign(s) furnished by FAA in main public area(s) stating discrimination based on race, color, national origin is prohibited.

Your program can meet the requirements by posting the sign, provided by FAA, in main areas of your facility and by making a copy of 49 CFR 21 available. A sample of the sign is found on the next page. The regulation is available on line at <http://www.nw.faa.gov/civilrights/vi.htm>.




Unlawful Discrimination

It is unlawful for airport operators and their lessees, tenants, concessionaires and contractors to discriminate against any person because of race, color, national origin, sex, creed, or handicap in public services and employment opportunities. Allegations of discrimination should be promptly reported to the Airport Manager or:

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, SW.
Washington, D.C. 20591

Federal regulations on unlawful discrimination are available for review in the Airport Manager's Office.



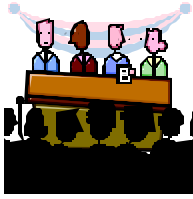
Discriminacion Ilegal

Se prohíbe a los empresarios de aeropuertos y a sus arrendatarios, inquilinos, concesionarios y contratistas discriminar contra cualquier persona por motivo de raza, color, origen nacional, sexo, creencias religiosas o impedimentos, en lo que respecta a servicios públicos y oportunidades de empleo. Las alegaciones de discriminación deberán dirigirse inmediatamente al Administrador del Aeropuerto o a:

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, SW.
Washington, D.C. 20591

Los reglamentos sobre discriminación ilegal están a la disposición de los interesados para su examen en la oficina del Administrador del Aeropuerto.

NOTE: The reference to handicap in this notice stems from the Rehabilitation Act of 1973, as amended (PL 93-112) and 49 CFR Part 27. Both require non-discrimination based on disability in the participation or denial of benefits. Although not discussed in this tool kit, FAA placed the handicap reference in this notice for ease of posting all non-discrimination requirements in one location.



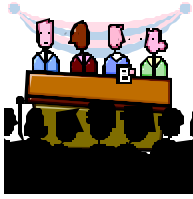
Public Participation Requirements

Governing Regulations and Guidance

28 CFR § 42.405 and 42.406; and DOT Order

1000.12(4)(b)(2)(a) and (b) require FAA to consider the following in compliance reviews:

1. Ensure that non-elected boards, councils or committees that are an integral part of planning or implementing the program or activities, reflect the racial/ethnic composition of the affected community.
2. Public hearings notices should be published and announced in general and minority newspapers and broadcast media and should state that discrimination in the program is prohibited. Direct contact should be made with racial/ethnic community organizations and/or leaders in affected communities and their participation in the decision making process should be solicited.
3. When a significant number/proportion of the affected community needs information in a non-English language in order to be effectively informed of or to participate in the public hearings, the recipient should publish and announce notices of public hearings in other languages and should take any other reasonable steps, including furnishing an interpreter.



Public Participation Requirements

This guidance can be met through various avenues. Many airports document their public participation efforts in the master planning, environmental assessment, noise mitigation files, etc. Some airports publish notices in other languages for such communities. Others place in their English notices a non-English statement(s) on how to get free language assistance to participate.

In the event of a complaint or compliance review the individual(s) responsible for coordinating Title VI efforts for the recipient should be able to provide documentation identifying the types of public participation and notification that was provided. This would include a description of the non-elected boards involved in airport programs by race, color, and national origin.

See the sample plan for how this may be handled.

?

Are all segments of the community notified of public hearings, do non-elected boards reflect the composition of the community?



Reports, Data and Records

Governing Regulations and Guidance

1. **49 CFR § 21.9(b)** states that recipients should have available racial and ethnic data showing the extent to which members of minority groups are beneficiaries of the recipient's programs.
2. **49 CFR § 21.9(c)** requires recipients to permit access to its books, records, accounts, etc. by the FAA to ascertain compliance with these regulations. It also requires recipients to attempt to obtain requested information when it is in the possession of another agency.
3. **28 CFR § 42.406** outlines data and records that the FAA should consider requesting during a compliance review or complaint investigation. It is recommended that the recipient ensure they have access to these records:
 - a. Data on present/proposed membership by race, color and national origin on any planning or advisory body that is an integral part of the recipient's programs.
 - b. Data regarding covered employment and use of bilingual employees serving beneficiaries unable to speak or understand English.
 - c. Steps used during relocation to guard against unnecessary impact on persons based on race, color, or national origin.
 - d. Sufficient data on existing or proposed facilities to determine whether the location has or will have the effect of unnecessarily denying access to any person on the basis of prohibited discrimination.



Reports, Data and Records

The FAA does much of its monitoring through compliance reviews, complaint investigations and pre-award reviews. In any of these instances the FAA will request information similar to that listed in 28 CFR § 42.406. To fulfill the pre-award review requirement, this region developed the Title VI Pre-Award Sponsor Checklist. To avoid a full pre-award review, the checklist should be completed during the application process for those projects that meet one or more of the following criteria.

1. Environmental Impact Statement;
2. Location of an airport or airport runway;
3. Major runway extension;
4. Relocation of any structure or person; or
5. Impact to the access or preservation of any burial, ceremonial or other sacred or historical structures or lands of any indigenous or ethnic population.

Projects that do not meet the above criteria do not need to complete a checklist. A copy of this checklist is on the following page. You may also access the form at <http://www.nw.faa.gov/airports/inetform.htm#APPS> under applications.

TITLE VI PRE-AWARD SPONSOR CHECKLIST

- 1) Please describe any of the following IF they apply to your project: Title VI issues raised at public hearing(s) and the conclusions made; EIS data concerning the race, color, or national origin of the affected community; steps taken or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin.
? None
- 2) Please list any airport related Title VI lawsuits or complaints filed in the preceding year against the sponsor. Include a summary of the findings.
? None (If "None", continue with questions 3 and 4).
- 3) Please list any current applications for federal funding (other than FAA) of airport related projects which exceed the amount for this grant.
? None
- 4) Please list any airport related Title VI compliance review(s) received by the sponsor in the preceding two years. Include who conducted the review and any findings of noncompliance.
? None

To be completed by the Civil Rights Staff

Review completed and approved: _____

Signature

Date: _____

This checklist is only required for projects that involve one of the following: Environmental Assessment or Impact Statement; airport or runway relocation; major runway extension; relocation of any structure or person; or impact to access or preservation of any burial ceremonial or other sacred or historical structures or lands of any indigenous or ethnic population.

Return to: FAA, Civil Rights, Northwest Mountain Region; 1601 Lind Ave. SW; Renton, WA; 98055-4056. Fax: (425) 227-1009. Phone: (425) 227-2009.

For more Title VI information visit the Civil Rights Website at

<http://www.nw.faa.gov/civilrights/home.htm>

On line copies of this form are available at <http://www.nw.faa.gov/airports/inetform.htm#APPS>



Limited English Proficiency (LEP) Nondiscrimination Based on National Origin

Executive Orders (EO) and Guidance

EO 13166, issued August 11, 2000 – Improving Access to Services for Persons with LEP (see appendix 4).

Federal Register JA2201-233, DOT issued “Guidance to Recipients on Special Language Services to LEP Beneficiaries”

DOT’s guidance states that the **main focus in evaluating a Title VI complaint based on LEP** “will be whether a recipient has taken reasonable steps to eliminate barriers to meaningful communication with LEP individuals and to provide necessary services equivalent to those provided to people who are fully English proficient.”

The DOT guidance determined that effective language assistance programs usually address each of the elements outlined in the following pages. Failure to incorporate one or more of the elements does not necessarily indicate noncompliance. Instead, when investigating non-compliance DOT will review the totality of circumstances to determine whether persons with LEP have meaningful access to participate effectively in programs/activities.



Limited English Proficiency (LEP) Nondiscrimination Based on National Origin

Language Assistance Plan Framework



Needs Assessment

Assess the language needs of the affected populations served (i.e., identify languages used, how many people speak each non-English language, where they live, how well they are accessing services by the recipient, and what barriers to communication exist).

Identify points of contact in the recipient program/activity where assistance may be necessary. Identify resources needed and make arrangements to access them efficiently.

Potential Data Sources: Census, local organizations, community groups, faith based groups, school districts, state refugee coordinators, etc.



Written Language Assistance Plan

Develop a written plan to include policies/procedures for assessing the LEP language needs, provision of range of written and oral assistance options, periodic staff training, and monitoring of the program.

Language Assistance Plan Framework



Staff Training

Develop a plan by which all employees likely to meet Persons with LEP are periodically trained on the policy, how to access services, how to work effectively with in-person and telephone interpreters, and cultural and community relations sensitivity.



Community Outreach

Undertake outreach efforts to ensure that individuals with LEP are aware of the availability of language assistance services free of charge (e.g., post signs in regularly encountered LEP languages in waiting areas and initial points of entry, translate application and instructional forms, include statements about free language assistance services in publications).



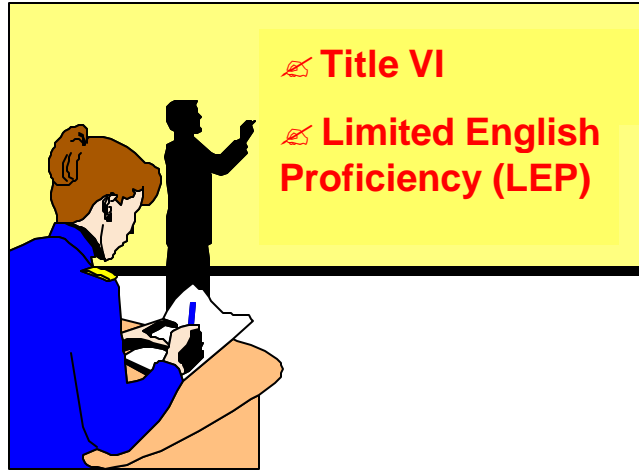
Monitoring

Conduct regular oversight of the program to ensure meaningful access to programs/activities. This may include assessing: current LEP demographics; current LEP communication needs; resource support of recipient's plan; success at meeting need of Persons with LEP; knowledge level of staff; current viability of translation sources being used; number of complaints, etc.



Limited English Proficiency (LEP)
Nondiscrimination Based on National Origin
Elements of an Assessment of Meaningful Services
(DOT in FR22ja01-233)

1. The number and proportion of persons with LEP potentially served by the recipient's programs and the variety of languages spoken in the area. *Who will be excluded without efforts to remove language barriers?*
2. The frequency with which persons with LEP are affected by the program/activity. *Notices generally available to the public (e.g. weather/road conditions reports) should be available to substantial LEP populations.*
3. The importance of the program/activity on persons with LEP. **DOT's guidance states "transportation is considered an essential service to participation in modern society"**
4. The resources available to the recipient and whether the recipient has budgeted for provision of special language services. The budget of the largest entity that supervises the recipient will be considered.
5. The level of services provided to the general public and whether persons with LEP are excluded from services or provided a lower level of services.



Employee Training and Program Monitoring

Governing Regulations

January 22, 2001, DOT issued Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries (FR22ja01-233). This notice states that to have an effective LEP Program recipients should provide regular employee training and monitor the program for effectiveness.

We recommend that each airport provide employee training on all Title VI requirements including, how to access services for individuals with LEP, how to receive a complaint, and sensitivity training.

In addition, we recommend that each airport monitor their Title VI program and at a minimum periodically review the racial and ethnic data used to identify minority and disadvantaged communities and LEP individuals.



Answers to Questions You Were Afraid to Ask

This section is devoted to issues that have been raised by recipients.

Q. When is a recipient responsible for the employment practices of its contractors, concessionaires, lessees, and subcontractors?

A. Under 49 CFR Part 21 the recipient is responsible for employment practices in two instances:

1. where the primary purpose of the Federal financial assistance received is to provide employment; or
2. where the employment practices tend, on the grounds of race, color or national origin to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity of the recipient.

Employment practices are included in the required grant assurances for a project receiving federal funding. This stems from Executive Order 11246, Equal Employment Opportunity and 41 CFR Part 60, regulations adopted by the Department of Labor. More information can be found in AC150/5100-15A or with the Department of Labor.



Answers to Questions You Were Afraid to Ask

- Q.** Is our airport responsible for discrimination by a fourth tier contractor?
- A.** All recipients are ultimately responsible for the actions of their contractors and subcontractors. This responsibility is found in the grant assurances. If a subcontractor is found in violation of the assurances, the FAA will require you to take action to resolve the matter with your contractor. Your lack of action may be considered non-compliance and result in enforcement action against the airport.

CIVIL RIGHTS GRANT ASSURANCE

APPENDIX 1

This Appendix contains the general grant assurance, which is incorporated in all grant agreements between a sponsor and the FAA

Civil Rights. The sponsor will comply with such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age or handicap be excluded from participating in any activity conducted with or benefiting from funds received from this grant. This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the sponsor or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits or (b) the period during which the sponsor retains ownership or possession of the property.

STANDARD DOT TITLE VI ASSURANCES

APPENDIX 2

_____ (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) and all requirements imposed by 49 CFR Part 21, Nondiscrimination in Federally assisted Programs of the Department of Transportation – Effectuation of Title Vi of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”) to the end that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, the Sponsor agrees concerning this grant that:

1. Each “program” and facility (as defined in Section 21.23(a) and 21.23(b)) will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.
3. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
4. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
5. It will include the appropriate clauses set for in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Sponsor with other parties:
 - (a) For the subsequent transfer of real property acquired or improved with Federal financial assistance under this project; and
 - (b) For the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.
6. This assurance obligates the Sponsor for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Sponsor or any transferee for the longer of the following periods:
 - a) The period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

- b) The period during which the Sponsor retains ownership or possession of the property.
- 7. It will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official whom he delegates specific authority to give reasonable guarantees that it, other sponsor, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the act, the Regulations, and this assurance.
- 8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the Sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

DATED _____

(Sponsor)

By _____
(Signature of Authorized Official)

CONTRACTOR CONTRACTUAL REQUIREMENTS

APPENDIX 2, ATTACHMENT 1

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations.** The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, “DOT”) Title 49 Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination.** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set for the in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports.** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Sponsor or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the sponsor or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanction for Noncompliance.** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the sponsor shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to:
- a. Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b. Cancellation, termination, or suspension of the contract in whole or in part.
6. **Incorporation of Provisions.** The contractor shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the sponsor or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Sponsor to enter into such litigation to protect the interests of the sponsor and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

CLAUSES FOR DEEDS, LICENSES, LEASES, PERMITS OR SIMILAR INSTRUMENTS

APPENDIX 2, ATTACHMENT 2

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the Sponsor pursuant to the provisions of Assurances 5(a) and 5(b).

1. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.
2. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add “as a covenant running with the land”) that: (1) no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

GENERAL CIVIL RIGHTS PROVISION FOR CONTRACTS, LEASES, AND OTHER AIRPORT AGREEMENTS

APPENDIX 3

The sponsor shall insert the provision below in all airport contracts, leases, and other agreements. Furthermore, this provision shall be inserted in all subcontracts, subleases and other agreements at all tiers.

The contractor/tenant/concessionaire/lessee assures that it will comply with pertinent statutes, Executive Orders and such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age or handicap be excluded from participating in any activity conducted with or benefiting from Federal assistance. This Provision obligates the tenant/concessionaire/lessee or its transferee for the period during which Federal assistance is extended to the airport program, except where Federal assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon. In these cases, the Provision obligates the party or any transferee for the longer of the following periods: (a) the period during which the property is used by the sponsor or any transferee for a purpose for which Federal assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the airport sponsor or any transferee retains ownership or possession of the property. In the case of contractors, this Provision binds the contractors from the bid solicitation period through the completion of the contract.

Appendix 4

THE WHITE HOUSE
Office of the Press Secretary
(Aboard Air Force One)

For Immediate Release

August 11, 2000

EXECUTIVE ORDER
13166

IMPROVING ACCESS TO SERVICES FOR
PERSONS WITH LIMITED ENGLISH PROFICIENCY

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency.

Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
August 11, 2000.

Sample Title VI Program
Title VI, Civil Rights Act of 1964
Policy Statement

[Sponsor] assures that no person shall on the grounds of race, color, national origin, sex or creed as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), and the Section 520 of the Airport and Airway Improvement Act of 1982 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. **[Sponsor]** further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs are federally funded or not. Anytime communities may be impacted by programs or activities every effort will be made to involve their leaders and the general public in the decision making process. Awards of contracting, concessionaires, and leases are made without regard for race, color, national origin, sex or creed.

[Sponsor] requires Title VI assurances from each tenant, contractor, and concessionaire providing an activity, service or facility at the airport under lease, contract or franchise from the airport. **[Sponsor]** also requires that such tenants, contractors, and concessionaires require Title VI assurances of their subcontractors.

[John Doe] is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 49 CFR 21.

Signature

[Sponsor Director Title]

Date

Administration

The Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other required responsibilities.

In addition, the following programs maintain a Title VI liaison responsible for coordinating Title VI information, data, and notices related to the program. **[List airport programs such as engineering; contracts and procurement; legal; operations; planning; public affairs, etc]**

Title VI Coordinator Responsibilities

Receives, records and forwards a copy of Title VI complaints to the Federal Aviation Administration (FAA) within 15 days of receipt. Provides the FAA with an explanation of resolution attempts regarding the complaint. 49 CFR Part 21 Appendix C(b)(3).

Annually reviews the airport's Title VI plan and disseminates Title VI information, education, etc to program liaisons.

Responds to requests by FAA for data and records to determine Title VI compliance. Coordinates with program liaisons to ensure that racial and ethnic data showing the extent to which minority groups are beneficiaries of or impacted by airport programs is available. 49 CFR § 21.9(b) & (c)

Maintains a list of the race, color, and national origin representation on non-elected planning and advisory bodies for the airport. Identifies any disparity between representation on these entities and the airport beneficiaries to the selecting official/committee when vacancies occur. DOT Order 1000.12(4)(b)(2)(a).

Maintains a copy of 49 CFR Part 21 for inspection by any person asking for it during normal working hours. This regulation is available at www.nw.faa.gov/civilrights/vi.htm 49 CFR Appendix C (b)(2)(i)

Grant Assurances

49 CFR § 21.7 (a)(1); 49 CFR Part 21 Appendix C (b)

[Sponsor], upon application for its first grant to purchase land or an airport or noise implementation project involving construction, executed the complete standard DOT Title VI assurances.

In subsequent grants **[Sponsor]**, includes the Civil Rights Grant Assurance as provided in the grant application package for all FAA-assisted contracts. These assurances can also be found on the Internet at <http://www.nw.faa.gov/airports/inetform.htm#APPS>

Clauses/Covenants:

- a. All contracts, leases, deeds, licenses, permits or other similar instruments, not only those resulting from the first grant, but in all instruments from that point on, contain the contractual requirements and clauses outlined in attachments one and two of the standard DOT Title VI Assurance.
- b. The general Civil Rights Provision is inserted into all contractor, tenant, concessionaire, and lessee agreements. Further **[sponsor]** requires this provision to be included in all subcontracts, subleases and other agreements at any tier.

Transportation

49 Part CFR 21 Appendix C (a)(1)(ix)

In the community statistics section of this plan, we identified the following disadvantaged areas of nearby communities: **[list the disadvantaged communities identified]**

We have coordinated with **[local transit authority]** to provide access to the airport from these locations.

Minority Business Notification

49 CFR 21 Appendix C (a)(1)(x)

Bids for airport concessions are solicited from area minority businesses through the following avenues: Local minority and general newspapers, trade journals, and a professional services directory, etc. Some of the bid notification sources include: **[list the sources]**

The concession award process is not based on race, color, national origin, sex or creed. Information on the award process and documentation for specific bid decisions is kept with **[the contracts and procurement office]**

Complaints

49 CFR 21 Appendix C (b)(3); 28 CFR 42.406(d)

Written Title VI complaints received by airport personnel are forwarded to the Title VI coordinator. The coordinator maintains a record of the complaint, conducts a preliminary review and attempt at resolution, and forwards a copy of the complaint and a description of the resolution efforts to the FAA within 15 days of receipt. The following are our complaint procedures.

[SPONSOR]

DISCRIMINATION COMPLAINT PROCEDURES

These procedures are for complaints of discrimination, other than employment discrimination by the **[sponsor]**. They apply to discrimination by airport employees, contractors, concessionaires, lessees, or tenants of the Airport, or at Airport facilities based upon race, creed, color, national origin, or gender, including but not necessarily limited to complaints under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. They cover any program or activity administered by the **[sponsor]**.

Any person who feels that he or she has been subjected to discrimination on the basis of race, creed, color, national origin, or gender has the right to file a complaint with the Airport. These procedures do not deny or limit the right of a complainant to file a formal complaint with an outside agency, such as the U.S. Department of Transportation or Federal Aviation Administration (FAA), or to seek private legal counsel regarding discrimination.

Procedure

Complaints must be filed within [90] days after the discriminatory event, must be in writing, and must be delivered to:

[Name and Title of Title VI Coordinator]
[Address and Phone number]

If a complaint is initially made by phone, it must be supplemented with a written complaint within 90 days after the discriminatory event. Accommodation will be provided upon request to individuals unable to file a written complaint due to a disability.

A copy of complaints alleging what amounts to a Title VI violation by airport employees, contractors, concessionaires, lessees, or tenants, relative to the airports aviation activities, will be forwarded to the FAA. For information on filing a complaint with DOT/FAA contact the individual named above.

The Title VI Coordinator may meet with the complainant to clarify the issues, obtain additional information, and determine if informal resolution might be possible.

The Title VI Coordinator will issue a written decision.

[Sponsor]
**DISCRIMINATION COMPLAINT REFERRAL AND
INVESTIGATION INTERNAL PROCEDURES**

Introduction

Scope. These procedures are for complaints of discrimination, other than employment discrimination by the **[sponsor]**. They apply to discrimination by airport employees, contractors, concessionaires, lessees, or tenants based upon race, creed, color, national origin, or gender, including but not necessarily limited to complaints under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. They cover any program or activity administered by the Airport.

Cooperation with FAA. The Title VI Coordinator will promptly investigate all discrimination complaints, including those referred to the Federal Aviation Administration (FAA) for investigation. In investigating a complaint that has been referred to the FAA, the Title VI Coordinator will endeavor to avoid interfering with the FAA investigation, will cooperate with the FAA when possible, and will share factual information with the FAA.

Prompt Investigation. The Title VI Coordinator will make every effort to complete discrimination complaint investigations within **[60]** calendar days after the complaint is received, but recognizes that some investigations will take longer.

Prompt Resolution of Disputes. The Title VI Coordinator will quickly and fairly resolve disputes with complainants, or with contractors, tenants, or other persons, through **[negotiation, mediation, alternate dispute resolution, list your airports means for resolving issues]**.

Avoiding Future Discrimination. In addition to taking action with respect to any specific instances of discrimination, the **[Sponsor]** will identify and implement measures to reduce the chances of similar discrimination in the future.

Intimidation and Retaliation Prohibited. **[Sponsor]** employees will not intimidate or retaliate against a person who has filed a complaint alleging discrimination.

Written Complaints Required. If a verbal complaint is received, the complainant should be given a copy of the Airport's Discrimination Complaint Procedures and instructed to submit a written complaint. Accommodation will be provided upon request to individuals unable to file a written complaint due to a disability.

Procedures

Initial Receipt of Written Complaint. Title VI Coordinator will log in the complaint and promptly send copies of the complaint to **[list the internal offices that should receive copies, this should include the office named in the complaint and the Airport Director]**.

Assignment of Investigator. The Title VI Coordinator will immediately begin the investigation or designate an investigator.

FAA Notification. Within 15 days of receipt, The Title VI Coordinator will forward a copy of the complaint and a statement describing all actions taken to resolve the matter and the results thereof to the FAA, Northwest Mountain Region, Civil Rights Staff.

Contact with Complainant. The Title VI Coordinator should meet with the complainant to clarify the issues and obtain additional information.

Investigation Report. After completing the investigation, the Title VI Coordinator will prepare a written report.

Consultation with Legal Counsel. In every case, the Title VI Coordinator will consult with the **[Sponsor]** Legal Counsel regarding the investigation and the report.

Forwarding Report and Response to Complainant. At the completion of the investigation, the complainant and respondent will receive a letter of findings and determination of the investigation and any applicable resolution. The letter transmitting the findings and any applicable resolution will state the Airport's conclusion regarding whether unlawful discrimination occurred, and will describe the complainant's appeal rights.

Appeal and Final Administrative Action. If the complainant disagrees with the written response or conclusion, the complainant may appeal in writing to the **[Airport's Executive Director]**. The written appeal must be received **within ten (10)** business days after receipt of the written decision. The written appeal must contain all arguments, evidence, and documents supporting the basis for the appeal. The **[Executive Director]** will issue a final written decision in response to the appeal.

Copies to FAA. Copies of each Title VI complaint, a summary of the investigation report, any response, and the Airport's transmittal letter to the complainant will be sent to the FAA.

Training

New employee orientation incorporates Title VI training. It includes forwarding complaints to Title VI Coordinator and accessing translation services. It also contains cultural and community relations sensitivity training. Refresher information will be provided annually.

Notice

49 CFR Part 21 Appendix C(b)(2)(ii)

We conspicuously display the FAA provided non-discrimination posters in all security screening areas of the airport. The Title VI coordinator ensures these posters are visible and maintained.

Our **[Plans Office]** ensures that required notices of public hearings and opportunities to comment on proposed airport actions reach all segments of the impacted community. Such notices are announced over general and minority newspapers and broadcast media, where appropriate. Our **[Plans Office]** contacts leaders in affected communities directly and solicits their participation. The office maintains records of all such notices and the efforts made to reach the affected community.

To ensure that the community is effectively informed of and able to participate in public hearings, our **[Public Affairs Office]** advertises public notices in appropriate languages when a significant number or proportion of the affected community has limited English proficiency. Such notices will include direction for obtaining an interpreter free of charge for the public hearing. 28 CFR § 42.405(d)

Reports and Forms

28 CFR § 42.406(d); 49 CFR Part 21 Appendix C(b)(3)

The **[Planning Office]** completes the “Title VI Pre-Award Sponsor Checklist” as part of the grant application package for projects that meet one or more of the following criteria:

1. Environmental assessment or impact statement;
2. Major runway extension;
3. Relocation of airport, runway, person or structure; or
4. Impact access or preservation of burial, ceremonial or other sacred or historic structure or lands of any indigenous or ethnic population.

The checklist is available in the applications section of the Airport’s Division Internet forms page at www.nw.faa.gov/airports/inetform.htm, or by calling the Civil Rights Staff at (425) 227-2009.

Monitoring

The Title VI Coordinator will provide oversight of the entire Title VI Program. This includes ensuring training is conducted, language translation services are available, and appropriate Title VI signage is posted. This also includes updating community statistics, and corresponding with the FAA as necessary.

Limited English Proficiency (LEP)

Executive Order 13166

In Community Statistics we have identified the following languages in which LEP may exist:

Spanish	33.5%
Japanese	17.3%
Mandarin	9.3%
French	6.1%
Korean	4.5%

As stated in DOT Notice 2001-8696 (FR22ja01-233) transportation is considered an essential service to participation in modern society. Therefore, we have made the following plans to provide translation services free of charge to ensure that individuals with LEP have access to the benefits of the airport:

1) All written notices contain a statement in the identified languages, when appropriate, of how to receive translated written materials and/or to arrange for a translator at a public meeting.

2) We have a significant community of Spanish speaking individuals with Limited English Proficiency (LEP). Therefore, all public notices and broadcasts are issued in English with a reference made in Spanish to contact the office of primary responsibility for a translation if required. Information regarding translation services can be obtained at our public information counters and from terminal services officers throughout the airport.

Limited English Proficiency (LEP)

(Continued)

3) The [**Communications Manager**] maintains a list of bilingual and multilingual employees, the languages they speak, and their associated office telephone numbers. The list is updated annually in the Public Information Handbook and provided to all airport employees. Generally, these employees are available to assist the public during normal business hours. Today 21 languages are represented.

4) In addition, the airport contracts with the AT&T Language Line to provide on demand telephone interpretation services to beneficiaries. When a request for an interpreter is received it is relayed to the control center. The control center staff contacts AT&T 1-800 number and “parks” the request in the queue for the appropriate language. An AT&T operator will coordinate required information between the Airport control center and connect the requesting party to an interpreter until the call is complete. The completed call is then logged in the Foreign Language Line Service binder. This log is kept for one year.

5) Efforts are underway to contract for written translations should the need arise.

Community Statistics

Note: Your plan should include some discussion of the statistics in your area. There are many ways to gather and analyze statistics to get an accurate picture of your community. The following is a sample of one way to do this.

Several regulations relating to Title VI of the Civil Rights Act of 1964 require federal grant recipients to know the community demographics. Our community is **[defined as within a 30-mile radius of Sample City. A circle of radius 30 miles is composed of 5 counties – Smith, Sample, Diamond, Down and Out, and Growing].** We have identified the following facts about the community composed of these 5 counties and the state.

Low Income Communities: A low-income area is an identifiable group of persons living in geographic proximity whose median household income is at or below the Department of Health and Human Services poverty guidelines. According to a 1999 U.S. Census Report the overall poverty level for the state is approximately 7%. The state poverty rate remains one of the lowest in the country. Based on the 1997 Population Survey reported by U.S. Census Bureau (source: Census Bureau), we found the poverty rate in Smith county to be 6.6%, Sample to be 9.1%, Diamond to be 5.5%, Down and Out to be 12%, and Growing County to be 10.8%.

Community Statistics

(Continued)

Minority Communities. Sample County is the only county within the prescribed area with a minority (non-white; where all Hispanics are considered non-white) population exceeding 10%. Sample County's minority population is 14.0% of the total county population. The state's overall minority population as a percentage of the total population is estimated to be 11.4% (source: 2000 State Data Guide). The minority population as a percentage of each county's population is as follows: Smith – 9.7%, Diamond – 4.5%, Down and Out – 7.4%, and Growing- 1.4% (source: 2000 State Data Guide).

Limited English Proficiency: The following languages are the top 5, in descending order, spoken in homes (by individuals who believe they “do not speak English well”) in the State and the prescribed area (source: 1990 Census):

State Overall

1. Spanish
2. French
3. German
4. Navaho
5. Chinese

5 County Combination

1. Spanish
2. German
3. French
4. Japanese
5. Scandinavian

Community Statistics

(Continued)

Airport Language Line Usage Reported As a Percentage
of Calls Received by the Airport

(Source: December 2000 AT&T Language Line Report)

Spanish	33.5%
Japanese	17.3%
Mandarin	9.3%
French	6.1%
Korean	4.5%

The above 5 languages represent 70.6% of all calls.

Top 5 Non-English Languages state public schools

(2000 State Report on Educating LEP Students)

<u>Language</u>	<u>% of Students</u>	<u>% of ESL Students</u>
1. Spanish	18%	75%
2. Japanese	5%	15%
3. Mandarin	2%	5%
4. German	1.5%	3.5%
5. French	1%	1.5%

This information is updated annually through the following
avenues:

U.S. Census Bureau information

State Superintendent of Public Instruction Data

County Housing Authority Data

Community Centers and Tribal offices

Public Health Department

State demographics agency

Notes

Prepared by:

Federal Aviation Administration
Northwest Mountain Region
Civil Rights Staff
ANM-9

(425) 227-2009

April 2001